

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ZELDA WEICHARDT, et al,

No C-03-5490 VRW

Plaintiffs,

ORDER

v

TOMMY G THOMPSON, Secretary of
Health and Human Services,

Defendant.

On October 11, 2005, the parties sent a letter to the court confirming that a settlement had been reached, asking that the scheduled hearing be vacated and stating that the parties intended to submit appropriate papers to the court. Doc #67. Before this joint motion could be filed, however, the court issued an order on October 25, 2005, dismissing this action with prejudice. Doc #68. Because the parties' settlement agreement provides for a dismissal without prejudice to certain rights, including the right to continue this action under specified conditions, the parties jointly requested in a motion filed on

1 October 28, 2005, that the court vacate its October 25, 2005, order
2 dismissing the case. Doc #70-1. The parties instead asked the
3 court to dismiss the case pursuant to the terms of their October
4 28, 2005, settlement agreement. Id. Accordingly, the court
5 VACATES its October, 25, 2005, order that dismissed the case with
6 prejudice and instead DISMISSES the case without prejudice,
7 pursuant to the terms of paragraph D of the settlement agreement,
8 which is filed with the court as Doc #70-2.

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10 IT IS SO ORDERED.

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13 VAUGHN R WALKER

14 United States District Chief Judge
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